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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,030	10/04/2000	Peter Coad	30013630-0004	1339

23485 7590 03/15/2004

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EXAMINER

DAS, CHAMELI

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 03/15/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

7h

Office Action Summary

Application No.

09/680,030

Applicant(s)

COAD ET AL.

Examiner

C.DAS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4-5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-70 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14, 20, 25, 29-42, 48, 53,58,60-61, 66, 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al, (Kimura), US 5,768,590, and further in view of Kelley, US 6,122,757

Regarding claims 1,29, Kimura discloses:

- receiving an indication of an element type (Kimura, abstract)
- displaying the plurality of patterns (Kimura, col 16 lines 25-35)
- modifying the matching pattern as claimed (Kimura, abstract).
- matching pattern having an associated element type that matches the received element type (col 1 lines 6-20)
- receiving from a user an indication of a selection (Kimura, col 14 lines 56-63)
- receiving a indication of a variation (Kimura, abstract, col 13 lines 50-60)

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- receiving an identification of a language (Kimura, col 13 lines 30-40)
- generating software code ... language (Kimura, abstract, col 13 lines 30-40).

Kimura discloses the plurality of patterns and the roles. Kimura does not specifically disclose the matching patterns. However, Kelly discloses matching patterns (Kelly, abstract). The modification would be obvious because one of the ordinary skill in the art would be motivated to increase the performance for generating the program for each new set of the patterns.

Regarding claims 2, 6, 12, 30, 34, 40, 48, 58, (Kimura, abstract).

Regarding claims 3, 8, 20, 25, 31, 36, 53, 60, 66, (Kelly, col 6 lines 45-56, col 2 lines 41-50).

Regarding claims 4, 9, 14, 32, 37, 42, 61, neither Kimura, nor Kelly disclose determining a location for storing the code. However, official notice is taken for determining the location for the code. The modification would be obvious because one of the ordinary skill in the art would be motivated to find the program easily and efficiently.

For claims 5, 33, see the rejection of claim 1 above.

For claims 7, 13, 35, 41, 59, (Kimura, abstract, col 4 lines 27-30, col 13 lines 30-40)

For claims 10, 38, 69, see the rejection of claims 1 and 3 above.

For claims 11, 39, see the rejection of claim 1.

For claim 13, see the rejection of claim 1.

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Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-19, 21-24, 26-28, 33, 35, 39, 41, 43-47, 49-52, 54-59, 62-65, 67-68, 70 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimura, US 5,768,590.

Regarding claims 15, 43, (Kimura, (Fig 4)).

Regarding claims 16, 22, 44, 22, 63, (Kimura , col 11 lines 45-50).

Regarding claims 17, 23, 45, 51, 64, 70, (Kimura, col 7 lines 32-55, col 9 lines 50-55, col 12 lines 45-55).

Regarding claims 18, 24, 46, 52, 65, (Kimura, col 9 lines 5-65).

Regarding claims 19, 47, (Kimura, col 9 lines 5-65).

Regarding claims 21, 49, (Kimura, col 5, lines 5-65, col 9 lines 1-50).

Regarding claims 26, 54, 67, (Kimura, col 45-55).

Regarding claims 27, 55, (Kimura, abstract, fig 4, col 7 lines 1-65, col 9 lines 40-50, col 12 lines 45-55).

Regarding claims 28, 56, 68, (Kimura, col 16, lines 25-30, col 5 lines 34-65, col 8 lines 45-50, fig 4).

Regarding claim 57, (Kimura, abstract, col 12 lines 1-10), the computer system having processor for executing the program inherently including memory device

For claim 62, see the rejection of claim 15 and 57.

4. The prior art made or record and not relied upon is considered pertinent to applicant's disclosure.

TITLE: Abstraction factory in a base services pattern environment, US 6615199 B1

TITLE: Retargeting optimized code by matching tree patterns in directed acyclic graphs, US 6292938 B1

TITLE: Pattern matching system using dynamic programming, US 4882756 A

TITLE: Pattern recognition apparatus, US 5748769 A

TITLE: Dynamic pattern matcher using incomplete data, US 5189709 A

TITLE: Merging pattern-matching networks including retes, US 4956791 A

TITLE: Methods, systems and computer program products for generating storyboards of interior design surface treatments for interior spaces , US 6459435 B1

TITLE: Methods, systems, and computer program products for compiling information into information categories using an expert system, US 6691122 B1

TITLE: Pattern recognition in data communications using predictive parsers, US 5916305 A.

TITLE: A Mechanism for Automatically and Dynamically Changing Software Components, author: Maruyama et al, ACM, 1997.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 703-305-1339.

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The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 3:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tuan Dam can be reached at 703-305-4552. The fax number for this group is (703) 872-9306.

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-9600.


CHAMELI C. DAS
PRIMARY EXAMINER

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3/11/04